

IN THE CIRCUIT COURT OF THE STATE OF OREGON
For the County of Washington

STATE ACCIDENT INSURANCE FUND
CORPORATION, dba SAIF CORPORATION, an
Oregon corporation, as Assignee of WILDER LOPEZ
FERNANDEZ,

Plaintiff,

vs.

Case No. 20CV38019

SUMMONS

PENSKE TRUCK LEASING CO., LP, a Delaware
Limited Partnership; MORGAN TRUCK BODY, LLC,
a Delaware Limited Liability Company, dba Morgan
Corp.; AND WHITING DOOR MANUFACTURING
CORP, a New York Corporation,

Defendants.

TO: Morgan Truck Body, LLC dba Morgan Corp, Defendant, R/A Corporation Service Company, 1127 Broadway Street
NE, Suite 310, Salem, OR 97301

You are hereby required to appear and defend the Complaint filed against you in the above entitled cause within thirty
(30) days from the date of service of this Summons upon you, and in case of your failure to do so, for want thereof,
plaintiff will apply to the Court for the relief demanded in the Complaint.

**NOTICE TO THE DEFENDANT: READ THESE PAPERS
CAREFULLY!**

You must "appear" in this case or the other side will win
automatically. To "appear" you must file with the court a legal
paper called a "motion" or "answer." The "motion" or "answer"
must be given to the court clerk or administrator within 30 days
along with the required filing fee. It must be in proper form and
have proof of service on the plaintiff's attorney or, if the plaintiff
does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney
immediately. If you need help in finding an attorney, you may call
the Oregon State Bar's Lawyer Referral Service at (503) 684-
3763 or toll-free in Oregon at (800) 452-7636.

/s/ Douglas F. Angell

Signature of Attorney/Author for Plaintiff

Douglas F. Angell

OSB #932019

Attorney's/Author's Name (Typed or Printed)

Bar # (If Any)

5075 SW Griffith Drive, Suite 250

Address

Beaverton

OR

97005

(503) 336-0053

City

State

Zip

Phone

Trial Attorney If Other Than Above, (typed or Printed) Bar # (If Any)

STATE OF OREGON, County of Washington, ss

I, the undersigned attorney of record for the Plaintiff, certify that the foregoing is an exact and complete copy of the
original summons in the above entitled case.

Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of
this summons, together with a true copy of the complaint mentioned therein, upon the defendant, and to make your proof
of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

/s/ Douglas F. Angell

Attorney(s) for Plaintiff

SUMMONS

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10/27/2020 3:24 PM
20CV38019

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

STATE ACCIDENT INSURANCE FUND CORPORATION, dba SAIF CORPORATION, an Oregon corporation, as Assignee of WILDER LOPEZ FERNANDEZ,) Case No.: 20CV38019
Plaintiff,) PLAINTIFF'S COMPLAINT
) (Personal Injury)
vs.) (NOT SUBJECT TO MANDATORY ARBITRATION)
PENSKE TRUCK LEASING CO., L.P, a Delaware Limited Partnership; MORGAN TRUCK BODY, LLC, a Delaware Limited Liability Company, dba Morgan Corp.; AND WHITING DOOR MANUFACTURING CORP, a New York Corporation,) Prayer Amount: \$454,010.34
Defendants.) Filing Fee: \$594.00
) Fee Authority: ORS 21.160 (1)(c)

Plaintiff alleges that at all material times:

I.

Plaintiff STATE ACCIDENT INSURANCE FUND CORPORATION (SAIF) was, and now is, an Oregon corporation authorized to transact insurance business in the State of Oregon.

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1 - COMPLAINT PERSONAL INJURY

LAW OFFICE OF DOUGLAS F. ANGELL P.C.
ATTORNEYS AT LAW
5075 SW GRIFFITH DR. SUITE 250
BEAVERTON, OREGON 97005
TELEPHONE (503) 336-0053

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2.

At all material times herein, Wilder Lopez Fernandez was working as an employee of New Leaf Greenhouse, Inc., an Oregon Corporation, and was acting in the course and scope of his employment.

3.

At all material times herein, Penske Truck Leasing Co., L.P. ("Penske") was a Delaware Limited Partnership authorized to transact business within the State of Oregon. Morgan Truck Body, LLC, was a Delaware Limited Liability Company, dba Morgan Corp ("Morgan") authorized to transact business within the State of Oregon. Whiting Door Manufacturing Corp. ("Whiting") was a New York Corporation conducting business within the State of Oregon.

4.

On or about May 2, 2019 New Leaf Greenhouse, Inc. had leased a 2020, 26-foot Freightliner "Box Truck" (the truck) from Penske for delivery of plants, trees and other landscaping materials done in the normal course of operations. The truck was leased on or about April 30, 2019 for an extended period. The truck was identified by Penske as Truck #339071. The truck had only 2,658 miles when leased by New Leaf Greenhouse, Inc. The truck was leased within the State of Oregon by Penske to New Leaf Greenhouse, Inc.

5.

Penske owned the truck and leased it to customers as part of its normal rental business. Morgan was hired by Penske to build and place a cargo box upon the truck chassis. In turn, Morgan installed a cargo lift door and pulley system manufactured by Whiting Door into the cargo box which was placed by Morgan upon the truck chassis within the State of Oregon.

6.

On or about May 2, 2019, Wilder Lopez Fernandez reported to work at New Leaf Greenhouse, Inc in the City of Cornelius, County of Washington and State of Oregon to begin deliveries. The truck had previously been loaded with product, and with the cargo door left open. Upon arrival at the truck and prior to departing for deliveries, Wilder Lopez Fernandez was required to close the cargo door by pulling down on the bottom of the door towards the base of the truck enclosure. As he pulled down on the door, he met some resistance, and thus pulled with more force. As he pulled, the door suddenly released, causing the door to rapidly and forcefully close and in doing so, caught the leg of Wilder Lopez Fernandez between the bottom edge of the heavy door and the floor of the truck enclosure, causing the injuries as hereinafter set forth.

7.

The truck was manufactured and leased in a defective condition unreasonably dangerous to Wilder Lopez Fernandez. As a result of the defective condition of said truck, the cargo door fell rapidly and forcefully upon the leg of Wilder Lopez Fernandez, while being used for its intended purposes.

8.

As a direct and proximate result of the defective condition of the truck as aforesaid, Wilder Lopez Fernandez sustained the following injuries: right trimalleolar ankle fracture requiring open reduction and internal fixation and right tibia fracture requiring intramedullary nail fixation. These injuries required medical treatment and Wilder Lopez Fernandez incurred reasonable and necessary medical expenses. He will likely continue to incur reasonable and necessary medical expenses into the future. Wilder Lopez Fernandez also incurred lost wages due to the aforementioned injuries. Workers' compensation benefits were paid by SAIF

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3 - COMPLAINT PERSONAL INJURY

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1 Corporation in a total sum to be proven at trial but not to exceed \$43,203.34 in medical expenses,
 2 \$18,907.00 in lost wages and \$44,900.00 in claims settlement expenses for future lost wages and
 3 may incur an amount up to \$97,000.00 in future medical expenses.

4 9.

5 As a further direct and proximate result of the incident of May 2, 2019, Wilder Lopez
 6 Fernandez experienced pain and suffering, all to his non-economic damages in a sum to be
 7 proven at trial but not to exceed \$250,000.00.

8 10.

9 Prior to the incident set forth above, plaintiff issued to New Leaf Greenhouse, Inc. a
 10 policy of workers' compensation insurance. Pursuant to the terms of the aforementioned
 11 insurance policy, plaintiff was obligated to pay, and did pay, workers' compensation benefits for
 12 the benefit of Wilder Lopez Fernandez. The sums paid by plaintiff were reasonable. Plaintiff is
 13 hereby subrogated pursuant to ORS 656.591 to all rights of injured worker and its insured
 14 against defendants.

15 WHEREFORE, plaintiff prays for judgment against defendants as follows:

- 16 1. For non-economic damages in a sum to be proven at trial but not to exceed
 17 \$250,000.00;

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4 - COMPLAINT PERSONAL INJURY

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2. For economic damages in the form of workers' compensation benefits in a sum to be proven at trial but not to exceed \$204,010.34; and
3. For plaintiff's costs and disbursements incurred herein and such other relief as the Court deems proper.

DATED: October 27, 2020.

Law Office of Douglas F. Angell, P.C.

By: 

DOUGLAS F. ANGELL, OSB #932019
Doug@angell-legal.com
Of Attorneys for Plaintiff
Trial Attorney: Douglas F. Angell